

RECEIVED

AUG 18 1992

ORIGINAL
FILE

LAW OFFICES
COHN AND MARKS

STANLEY S. NEUSTADT
STANLEY B. COHEN
RICHARD M. SCHMIDT, JR.
JOEL H. LEVY
ROBERT B. JACOBI
ROY R. RUSSO
RONALD A. SIEGEL
IAN D. VOLNER
LAWRENCE N. COHN
RICHARD A. HELMICK
BRIAN M. MADDEN
WAYNE COY, JR.

N. FRANK WIGGINS
MARK L. PELESH
J. BRIAN DE BOICE
ALLAN ROBERT ADLER

SUSAN V. SACHS
APRIL McCLAIN-DELANEY
JOHN R. PRZYPYSZNY
MELINDA K. SKINNER
MICHELLE M. SHANAHAN*

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
OF COUNSEL
MARCUS COHN
LEONARD H. MARKS

SUITE 600
1333 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036-1573

TELEPHONE (202) 293-3860
CABLE COMAR-WASHINGTON, D. C.
TELECOPIER (202) 293-4827

*MEMBER PENNSYLVANIA BAR ONLY

DIRECT DIAL: (202) 452-4836

August 18, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, DC 20540

Re: Petition for Rule Making

Dear Ms. Searcy

Transmitted herewith, on behalf of The University of South Florida, are the original and four (4) copies of its Petition for a Rule Making to Allot FM Channel 255A to Marco Island, Florida and to reserve it for educational purposes. This would become the first noncommercial frequency assigned to this community.

Since the filing party is an agency of the State of Florida, no filing fee is required.

Should you have any questions with respect to the above matter, please contact the undersigned.

Very truly yours,

Wayne Coy Jr.

Enclosures

No. of Copies rec'd
List A B C D E

0+4

RECEIVED

AUG 18 1992

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Federal Communications Commission

In the Matter of

An Amendment to Section 73.202 of
the Rules of the Commission to Add
the First Non-Commercial Educational FM
Station to Marco Island, Florida

RM. _____

To: The Commission

PETITION FOR RULE MAKING

The University of South Florida ("Petitioner"), by and through its attorney, hereby petitions the Commission, under Section 1.401 of the Rules, to initiate a Notice of Proposed Rule Making requesting the allotment of Channel 255A to the community of Marco Island, Florida and reserving that channel for noncommercial educational use. In support of its proposal, Petitioner offers the following:

1. The communities of Marco and Marco Island, Florida are currently served by three commercial FM stations and one commercial AM station. The AM station and two of the FM stations currently air an adult contemporary or soft rock format. The other FM station is currently not on the air, and the present status of that permit is unknown to Petitioner.

2. Petitioner believes that the community of Marco Island can support a noncommercial FM station, and as can be seen in the attached engineering statement, no suitable noncommercial frequency

is available, necessitating the petition for reservation of what would normally be a commercial frequency. It is only by the grant of this petition that the first noncommercial FM station can be added to this community. Operation of the new station by the Petitioner will provide a high quality format which includes classical music, jazz, and local, state, national and international news. Furthermore, Petitioner affirmatively states that it will apply for the channel, if allocated.

3. This action would be consistent with the Commission's action in Bozeman, Montana, 4 FCC Rcd. 4835 (1989), Fort Kent, Maine, 7 FCC Rcd 1362 (1992), and Lake City, Michigan, FCC Rcd ____ (1992).

4. No known permittees or licensees would be required to make any change as a result of the grant of this Petition and the subsequent Proposed Rule.

5. Petitioner submits, therefore, that the public interest would be served by allocating FM Channel 255A (103.9 MHz) to Marco Island, Florida and reserving it for noncommercial use.

Respectfully submitted

THE UNIVERSITY OF SOUTH FLORIDA

By: 

Wayne Coy, Jr.

Cohn and Marks
1333 New Hampshire Avenue, N.W.
Suite 600
Washington, D.C. 20036

Its Attorney

Date:

ENGINEERING STATEMENT OF KEITH G. BLANTON OF THE FIRM OF
KESSLER AND GEHMAN ASSOCIATES, CONSULTING ENGINEERS
ON BEHALF OF THE UNIVERSITY OF SOUTH FLORIDA
IN CONNECTION WITH A PETITION FOR RULE MAKING
TO ALLOCATE FM CHANNEL 255A TO THE COMMUNITY OF
MARCO ISLAND, FLORIDA

I, Keith G. Blanton, am an associate of Kessler and Gehman Associates, Inc., with offices in Gainesville, Florida. I have been working in the field of radio and television consulting engineering since 1961. I graduated from Duke University in 1951 with a Bachelor of Science degree in Physics.

This firm has been employed by the University of South Florida to make engineering studies and to prepare this engineering statement in support of a petition for rule making to allocate FM channel 255A (98.9 MHz) to the community of Marco Island, Florida in the FM Table of Allotments, Section 73.202, of the FCC Rules. Marco Island is a community in Collier County in southwest Florida that is rapidly being developed and growing in population. The 1990 population of Marco (CDP) which apparently includes the communities of both Marco and Marco Island is 9,493 persons living in 11,096 housing units. It is therefore apparent that although the permanent population of these communities is rather modest the seasonal population is significantly greater than 9,493 persons.

It has been determined that there is an area in the vicinity of Marco Island in which a channel 255A station might be operated in accordance with the rules of the FCC. The attached Figure 1 is a tabulation of the nearest cochannel and adjacent channel stations and allocations and the map Figure 2 shows the area in which a channel 255A station might be located.

The University of South Florida has the intention of filing an application for construction permit to build a station in this area which would operate as a non commercial educational station on channel 255 if that station were allocated to Marco Island. It has earlier been determined that there is no channel available in the reserved non commercial educational band from 88.1 to 91.9 MHz which could be operated to serve Marco Island in accordance with the rules of the FCC.

The reference coordinates of the site proposed and upon which the separations in Figure 1 are based are N. Latitude $29^{\circ} 59' 57''$ W. Longitude $81^{\circ} 38' 38''$ and represent an arbitrary site upon which a tower might be erected to provide a 70 dBu contour over Marco Island while satisfying the FCC separation requirements. The reference coordinates of the community of Marco Island shown in the Dataworld "ATLASSCAN" data base are N. Latitude $25^{\circ} 58' 18''$ W. Longitude $81^{\circ} 43' 48''$. These coordinates place the site some 12 km west of Marco Island however and are therefore questionable. When Dataworld was questioned on the source of the coordinates they indicated that it was an "FCC Cable TV document". It can be seen from the map Figure 2 that there are a great many potential sites for the channel 255A antenna.

KESSLER AND GEHMAN ASSOCIATES, INC.

Keith G. Blanton

Keith G. Blanton, Consultant

May 13, 1992

UNIVERSITY OF SOUTH FLORIDA
MARCO ISLAND, FLORIDA

TABLE OF SEPARATIONS FROM CO-CHANNEL AND ADJACENT CHANNEL ALLOCATIONS

<u>FREQ</u>	<u>CHANNEL</u>	<u>CLASS</u>	<u>LOCATION</u>	<u>SEPARATION - KM</u>		<u>AUTHORIZED STATIONS</u>	<u>PENDING APPLICATIONS</u>
				<u>MINIMUM</u>	<u>ACTUAL</u>		
88.1MHz	201	C1	Bradenton	22.0	146.6	WJIS	--
88.3MHz	202	A	Pennsuco	10.0	121.8	----	BPED-910912MG
98.3MHz	252	A	Imokalee	31.0	49.6	WCCO	--
98.5MHz	253	C3	San Carlos Pk	42.0	62.9	----	Prop Add
98.7MHz	254	C1	Key West	133.0	157.1	WOZN-FM	--
98.7MHz	254	C	Fort Pierce	165.0	176.8	WKGR	--
98.9MHz	255	A	Murdock	115.0	115.8	----	Prop Add
98.9MHz	255	A	Murdock	115.0	123.4	----	RM6915
99.1MHz	256	C1	Miami	133.0	143.7	WEDR	--
99.3MHz	257	C2	Ft.Myers Bch	55.0	60.4	WZCR	--
99.5MHz	258	C1	Key West	75.0	148.2	----	BPH-900322ID

